

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: MAY 6, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: RQR-33286 - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: EWING INVESTMENTS, A PARTNERSHIP**

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**\*\* CONDITIONS \*\***

The Planning Commission (5-0-1/gt vote) and staff recommend APPROVAL, subject to:

**Planning and Development**

1. Conformance to the conditions for Variance (V-0131-90).
2. This Special Use Permit shall be placed on an agenda closest to December 19, 2012 at which time the City Council may require the Off-Premise Sign (Billboard) be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Sign (Billboard) is removed.
3. The Off-Premise Sign (Billboard) and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
4. If the existing off-premise sign is voluntarily demolished, this Variance (V-0131-90) shall be expunged and a new off-premise sign shall not be permitted in the same location unless a Special Use Permit is approved for the new structure by the City Council.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This application is in response to a Required Review of an approved Variance (V-0131-90) for an 80-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) where 40 feet is the maximum height allowed at 1405 “A” Street.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
12/19/90	The City Council approved a request for a Variance (V-0131-90) for a 14-foot by 48-foot Off-Premise Sign (Billboard); and to allow the sign to a height of 80 feet where only 40 feet is permitted. The Board of Zoning Adjustment recommended denial on 11/20/90.
01/17/96	The City Council approved a request for a Required Review [V-0131-90(1)] on an approved Variance (V-0131-90) for a 14-foot by 48-foot Off-Premise Sign (Billboard) at a height of 80 feet. The Board of Zoning Adjustment recommended approval on 12/21/95.
02/21/01	The City Council approved a request for a Required Review [V-0131-90(2)] for a 14-foot by 48-foot Off-Premise Sign (Billboard) at a height of 80 feet on property located at 1405 “A” Street.
03/02/05	The City Council approved a request for a Required Review (RQR-5732) for an 80-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 1405 “A” Street. The Planning Commission recommended approval on 01/25/05.
03/26/09	The Planning Commission voted 5-0-1/gt to recommend APPROVAL (PC Agenda Item #6/ds).
<b><i>Related Building Permits/Business Licenses</i></b>	
c.1978	The buildings on the subject site were constructed.
03/17/00	A building permit (00004841) was issued for a billboard sign at 1405 “A” Street. The permit was finalized on 03/23/00.
07/19/06	A building permit (69682) was issued for a 220-foot long, 8-foot tall block wall at 1405 “A” Street. The permit was not finalized.
<b><i>Pre-Application Meeting</i></b>	
A pre-application meeting was not required, nor was one held.	
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting was not required, nor was one held.	

<b>Field Check</b>	
02/19/09	<p>Staff conducted a field check of the subject site with the following observations:</p> <ul style="list-style-type: none"> <li>• The subject billboard had no embellishments, animated signage, or electronic displays and the sign faces appear in good condition.</li> <li>• All structural elements have been properly screened from public view.</li> <li>• The subject property had an eight-foot tall block wall with barbed wire, which is not permitted: Code Enforcement has been notified.</li> </ul>

<b>Details of Application Request</b>	
<b>Site Area</b>	
Gross Acres	2.98

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Warehouses	LI/R (Light Industry/Research)	M (Industrial)
North	Warehouses	LI/R (Light Industry/Research)	M (Industrial)
South	Auto Repair Garage	LI/R (Light Industry/Research)	M (Industrial)
East	Union Pacific Railroad	ROW (Right-of-Way)	ROW (Right-of-Way)
West	I-15 Right-of-Way	ROW (Right-of-Way)	ROW (Right-of-Way)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>		X	N/A
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>	X		Y
A-O (Airport Overlay) District (175 feet)	X		Y
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## DEVELOPMENT STANDARDS

Standards	Code Requirement	Provided	Compliance
Location	No Off-Premise Sign may be located within public right-of-way	Sign is not located in public right-of-way.	Y
Zoning	Off-Premise Signs are permitted in C-1, C-2, C-M, and M zoning districts only	Sign is located in an M (Industrial) zoning district.	Y
Area	No Off-Premise Sign shall have a surface area greater than 672 square feet, except that an embellishment of not to exceed five feet above the regular rectangular surface of the sign may be added if the additional area contains no more than 128 square feet.	Sign is 672 square feet in size and it does not have an embellishment	Y
Height	No higher than 40 feet from grade at the point of construction: may be raised to a maximum of 55 feet with approval of the City Council if significantly obscured from view of travel lanes.	Sign is 80 feet tall	N*
Screening	All structural elements of an Off-Premise Sign to which the display panels are attached shall be screened from view.	Structural elements of the sign are screened from view.	Y
Off-Premise Sign (Billboard)	At least 750 feet to another Off-Premise Sign along US-95 or at least 300 feet to another Off-Premise Sign (if not along US-95)	Sign is approximately 550 feet north of another Off-Premise Sign.	N*
Off-Premise Sign (Billboard)	At least 300 feet to the nearest property line of a lot in any "R" or U" zoned districts.	Sign is at least 300 feet from property zoned for residential use.	Y
Other	All Off-Premise Signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.	Sign is permanently attached to the ground and is not located on property zoned for residential use.	Y

\* The City Council approved Variance (V-0131-90) to allow the billboard to a height of 80-feet. Additionally, the Off-Premise Sign (Billboard) approximately 550 feet south of the subject site was in existence when Council approved Variance (V-0131-90).

## **ANALYSIS**

This is the fourth Require Review of an approved Variance (V-0131-90) for an 80-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) where 40 feet is the maximum height allowed at 1405 "A" Street. A research of the building permit activity found the billboard was constructed under sign permit (00004841), and received final inspection on 03/23/00 under the address of 1405 "A" Street. During a site inspection, staff found the sign and supporting structure in good condition.

## **FINDINGS**

The sign is located in an M (Industrial) zoning district and is not within the Off-Premise Sign Exclusionary Zone. The sign and supporting structure are in good condition and are being properly maintained. Staff finds there is no adverse impact regarding the continued use of the sign at this time, as there has not been any significant change development or land use since the construction of the billboard; therefore, staff recommends approval, subject to a three-year review.

**ASSEMBLY DISTRICT**      6

**SENATE DISTRICT**      4

**NOTICES MAILED**      74 by City Clerk

**APPROVALS**      0

**PROTESTS**      0